



US Army Corps  
of Engineers

**Detroit District**

# Public Notice

Applicant: Richard Sundeen

In Reply Refer To: Corps File No. LRE-2011-00382-38  
MDEQ File No. 11-42-0003-P

Date: October 11, 2011  
Expires: October 31, 2011

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## **Existing Crib Pier in Lake Superior at Copper Harbor, Michigan**

**Applicant:** Richard Sundeen, 737 Harbor Lane, Copper Harbor, MI 49918

**Project Location:** In Lake Superior, offshore 737 Harbor Lane, Copper Harbor, Keweenaw County, Michigan, located approximately 250 feet east of the intersection of Harbor Lane and 8<sup>th</sup> Street (T 59N, R 28W, Section 32).

**Federal Authority:** The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**State Authority:** Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

**Project Description:** As shown on the attached plans, the applicant requests after-the-fact authorization to install a crib pier approximately 47.5 feet long and 8 feet wide and to discharge a total of approximately 21 cubic yards of rock into the pier's two, 8-foot by 8-foot cribs. The purpose of the project is recreational boat access and docking.

**Avoidance & Minimization:** The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "I am constructing this dock in the style of the original docks for the area, being full log cribs, and local rock fill. Some newer docks have concrete and steel, however I prefer to have full log, and finish the top and perimeter with local natural cedar. I am constructing it with the intention for both cribs to be in the water and a span from crib to shore to avoid disruption of the natural water line." The Corps has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

**Compensatory Mitigation:** The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States: Mitigation is not necessary or appropriate for the proposed work because: "This should not be required for this particular activity, because I am not using any equipment or materials that would cause such an impact."

The logs and rock fill is local materials, and have been in place for 3 months now.” The Corps has not verified the adequacy of this mitigation proposal at this time.

The work described herein has been partially completed without benefit of a Department of the Army permit. The application is being processed pursuant to appropriate Department of the Army regulations. The District Engineer reserves the right to order the removal of work placed without benefit of a Department of the Army permit if he deems the public interest so requires.

**Other Authorizations:** A permit from the Michigan Department of Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State file number is 11-42-0003-P.

**Comments:** We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2011-00382-38. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Charles M. Simon  
Chief, Permit Evaluation Western Branch  
Regulatory Office, Detroit District, Corps of Engineers  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

Comments may be e-mailed to: Katie.L.Schill@usace.army.mil, but must include a name and mailing address.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Evaluation:** The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. This decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

**Endangered Species:** We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

**Cultural Resources:** The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

**Additional Information:** This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Katie Schill at the Corps of Engineers address listed above, or telephone number 313-226-5479.

FOR THE DISTRICT ENGINEER:

Charles M. Simon  
Chief, Permit Evaluation Western Branch  
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.